

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Mar 12, 2021

SEAN F. McAVOY, CLERK

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

JACK W.¹,

Plaintiff,

vs.

ANDREW M. SAUL,
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 1:20-cv-03075-MKD

**ORDER GRANTING
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C. §
405(g)**

ECF Nos. 17, 20

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 20, requesting remand of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney D. James Tree represent Plaintiff. Attorney Sarah Martin represents Defendant. The parties have consented to proceed before a magistrate judge. ECF No. 8.

¹ To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

1 After consideration, **IT IS HEREBY ORDERED** that:

2 1. The parties' Stipulated Motion for Remand, **ECF No. 20**, is **GRANTED**.

3 2. The above-captioned case be **REVERSED** and **REMANDED** to the
4 Commissioner of Social Security for further administrative proceeding pursuant to
5 sentence four of 42 U.S.C. § 405(g).

6 On remand, the parties stipulate that the Appeals Council will instruct the
7 ALJ to:

- 8 • Obtain evidence from a medical expert to clarify the onset date of
9 Plaintiff's impairments;
- 10 • Further evaluate whether the severity of Plaintiff's impairments met
11 or medically equaled the criteria of a listed impairment prior to April
12 22, 2016;
- 13 • Further evaluate the opinion evidence of record;
- 14 • Proceed with the sequential evaluation process, as warranted, for the
15 period prior to April 22, 2016; and
- 16 • Issue a new decision as to the period in question.

17 ECF No. 20 at 2. The parties further stipulate that the Commissioner's decision
18 that Plaintiff was disabled as of April 22, 2016, which the Appeals Council
19 confirmed in its earlier remand order (Tr. 631), shall be affirmed. *Id.*

20 3. Judgment shall be entered for **PLAINTIFF**.

1 4. Plaintiff's Motion for Summary Judgment, **ECF No. 17**, is **STRICKEN**
2 **AS MOOT.**

3 5. Upon proper presentation, this Court consider Plaintiff's application for
4 fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

5 The District Court Executive is directed to enter this Order, **enter**
6 **Judgment**, forward copies to counsel, and **CLOSE THE FILE.**

7 DATED March 12, 2021.

8 s/Mary K. Dimke
9 MARY K. DIMKE
10 UNITED STATES MAGISTRATE JUDGE